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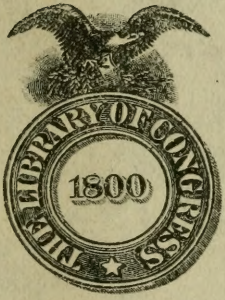

Class SF258
Book .N6A5
1916

Milk Ordinance

of the

City of Niagara Falls

New York

Passed June 26, 1916

F191.6

By Transfer
DEC 16 1919

SF258
.N6A5
1916

MILK ORDINANCE

PASSED JUNE 26, 1916

REGULATIONS GOVERNING THE SALE OF MILK IN THE CITY OF NIAGARA FALLS, N. Y.

Definitions:

1. Milk Dealer—Any person or persons, firm, corporation or association who sells milk, cream or buttermilk in any quantity in the City of Niagara Falls, N. Y., except as provided under Regulation 5.

2. Dairy-man—Any person or persons, firm, corporation or association who sells or prepares for sale milk, cream or buttermilk in the City of Niagara Falls, N. Y.

3. Milk-producer—Any person, persons, firm, corporation or association who shall have in his or their possession any cow or cows for the purpose of producing milk for sale in the City of Niagara Falls, N. Y.

4. Milk-house—Any room or apartment where milk, cream or buttermilk is prepared, bottled, or in any way handled for distribution in the City of Niagara Falls, N. Y.

Regulation 1.—No person or persons, firm, corporation or association shall hereafter engage in or continue in the business of conducting a milk dairy, sell or offer for sale, at retail, milk, cream, or buttermilk in the City of Niagara Falls, N. Y., without first obtaining a permit or license as hereinafter provided. Such permit shall expire on the thirtieth day of April following the date of issue

and shall be renewable on or before the first day of May in each year, and such permit is not transferable and may be revoked for cause by the Health Officer after a hearing on due notice.

Regulation 2.—Any person or persons, firm, corporation or association hereafter desiring to engage or continue in the business of conducting a milk dairy and dealing in milk, cream or buttermilk in the City of Niagara Falls, N. Y., shall first make a written application sworn to by the applicant in the form prescribed by the State Commissioner of Health to the Health Officer, setting forth the name of such person or persons, firm, corporation or association and the place by street and number where the business is to be carried on. The applicant shall likewise file a correct statement with the Health Officer giving the name and address of the dairy, person or persons, firm, corporation or association from whom he receives or expects to receive milk, cream or buttermilk, the approximate amount of milk, cream or buttermilk to be furnished by each such producer. The Health Officer shall hereafter cause such place with all its appurtenances, fixtures and appliances connected therewith or to be used therein, to be carefully inspected and if satisfied, having in view the protection of the Public Health, that the said applicant has fully complied with the provisions of these regulations, the Health Officer shall issue a written permit to such applicant to engage in the business of conducting a milk dairy and of dealing in milk, cream and buttermilk at such place.

Regulation 3.—Retail grocers who sell milk in addition to their other commodities shall be termed a milk dealer under these regulations.

Regulation 4.—No milk, cream or buttermilk shall be sold in the City of Niagara Falls, N. Y., at retail unless the same is contained in milk bottles, used in the retail business of distributing milk or cream. All such bottles or other individual containers must be filled with milk or cream and prepared by a duly licensed milk or cream dealer and all retail grocers and other store keepers must obtain milk, cream or buttermilk to be sold only from a dealer licensed to sell milk, cream or buttermilk in the City of Niagara Falls, N. Y. All bottles or containers of milk or cream while in the possession of the retail grocer or other storekeeper must be kept in a sanitary compartment to be used for no other purpose, and the milk and cream therein kept at a temperature not to exceed 50 degrees Fahrenheit and at all times to be kept covered and not exposed to dirt, flies or other unsanitary conditions. It is hereby declared unlawful for any retail grocer or storekeeper to dispense milk or cream other than in bottles as herein specified or to prepare or fill any bottles or jars with milk, cream or buttermilk for the purpose of sale or to sell any so-called dipped or can milk or cream. No licensed milk or cream dealers shall furnish milk or cream to be sold by any retail grocer or storekeeper unless the same complied with all the provisions of this ordinance governing the sale and sanitary protection of milk and cream and such sale may be forbidden at any time by the Health Officer.

Regulation 5.—All bakers, restaurant keepers, saloon keepers, and all persons having or offering for sale milk, cream or buttermilk which is intended to be drunk, consumed or used on the premises and any person, firm, corporation or association using milk or cream for commercial purposes in the manufacture

of candies, ice cream or baked goods, or other food products shall procure such milk, cream or buttermilk only from dealers licensed by this Bureau, and shall not require a permit to sell milk, cream or buttermilk in the manner above specified. Milk, cream or buttermilk kept upon such premises must be stored, handled and sold in conformity with all the provisions of these regulations governing the sale and sanitary protection of milk, cream and buttermilk.

Regulation 6.—All dairies, milk houses, rooms and apartments used in the milk or cream business in the City of Niagara Falls, N. Y., and all milk cans, bottles and containers and all coolers, boxes and other equipment and utensils the owner or owners of which sell or offer for sale milk or cream or both within the City of Niagara Falls, N. Y., shall be subject to an inspection by the Health Officer or his representative. Any official or authorized inspector of the Bureau of Health may enter and inspect any place where milk is sold or kept, and any wagon, carriage or vehicle used to convey milk or cream within the City, shall furnish without charge to the Health Officer or his representative for examination, samples of milk, cream or buttermilk sold by them. Any refusal on the part of the producer or dealer or their agents, to allow such entrance for inspection or to furnish samples of milk, cream or buttermilk for examination, shall constitute sufficient reason for revocation of their permit or license.

Regulation 7.—The Health Officer or his representative shall make a sanitary inspection of every dairy farm where milk, cream or buttermilk is produced to be sold in the City of Niagara Falls, N. Y., and shall score each dairy farm on the score card prescribed by

the State Commissioner of Health, such inspection and scoring shall be made at least once a year and before the thirtieth day of April in each year, and any producer of milk whose average falls below fifty per cent. on said score card shall not be permitted to dispose of his product in the City of Niagara Falls, N. Y.

Regulation 8.—No person, firm, corporation or association shall sell or offer for sale in the City of Niagara Falls, N. Y., any milk, cream or buttermilk that has been interdicted by the Health Officer, or any unwholesome, impure, watered or adulterated milk, or any that has chemical preservative or other material changing its character, or any milk

(1) Containing more than 88 per cent. of water or fluids.

(2) Containing less than 11.5 per cent. of milk solids.

(3) Containing less than 3 per cent. of fats.

(4) From which any part of the cream has been removed, except as hereinafter provided in Regulation 18.

(5) Having lactometer reading of less than 29.

(6) Containing bacteria of any kind of more than four hundred thousand per cubic centimeter.

(7) Drawn from any cow having a contagious or communicable disease.

(8) Drawn from any cow within fifteen days before or five days after parturition.

(9) Having a temperature over 60 degrees or which has been stored at a temperature higher than 50 degrees F.

Regulation 9.—All milk sold or offered for sale at retail shall bear one of the designations

provided in this regulation, which constitutes the minimum requirements permitted in this City. No terms other than "certified" shall be used to designate the grade or quality of milk or cream which is sold or offered for sale, except

"Grade A, raw."

"Grade A, Pasteurized."

"Grade B, raw."

"Grade B, Pasteurized."

"Grade C, raw."

"Grade C, Pasteurized."

Regulation 10.—Certified. No milk shall be sold or offered for sale as certified milk which does not conform to the regulations prescribed by and bear the certification of a milk commission appointed by a county medical society organized under and chartered by the medical society of the State of New York, and which has not been pronounced by such authority to be free from antiseptics, added preservatives and pathogenic bacteria, or bacteria in excessive numbers. All milk sold as certified milk shall be conspicuously marked with the name of the commission certifying it. No county medical society shall give such certification unless all cows producing such milk have been tested at least once during the previous year with tuberculin, and any cow reacting thereto has been promptly excluded from the herd.

Regulation 11.—Grade A, Raw. No milk or cream shall be sold or offered for sale as "Grade A, raw," unless it conforms to the following requirements:

The dealer selling or delivering such milk or cream must hold a permit from the Health Officer.

All cows producing such milk must have been tested at least once during the previous year with tuberculin, and any cow reacting thereto must have been promptly excluded from the herd. Such milk must not at any time previous to delivery to the consumer contain more than 60,000 bacteria per cubic centimeter and such cream not more than 300,000 bacteria per cubic centimeter.

Such milk and cream must be produced on farms which are duly scored on the score card prescribed by the State Commissioner of Health not less than twenty-five per cent. for equipment and not less than fifty per cent. for methods.

Such milk and cream must be delivered within thirty-six hours from the time of milking.

Such milk and cream must be delivered to consumers only in containers sealed at the dairy. The caps or tags must be white and contains the term "Grade A, Raw," in large, black type, and the name and address of the dealer.

Regulation 12.—Grade A, Pasteurized. No milk or cream shall be sold or offered for sale as "Grade A, Pasteurized," unless it conforms to the following requirements:

The dealer selling or delivering such milk or cream must hold a permit from the Health Officer.

All cows producing such milk or cream must be healthy as disclosed by an annual physical examination.

Such milk or cream before pasteurization must not contain more than 200,000 bacteria per cubic centimeter.

Such milk must not at any time after pasteurization and previous to delivery to the con-

sumer contain more than 30,000 bacteria per cubic centimeter, and such cream not more than 150,000 bacteria per cubic centimeter.

Such milk and cream must be produced on farms which are duly scored on the score-card prescribed by the state commissioner of health not less than twenty-five per cent. for equipment and not less than forty-three per cent. for methods.

Such milk and cream must be delivered within thirty-six hours after pasteurization.

Such milk and cream must be delivered to consumers only in containers sealed at the dairy. The caps or tags must be white and contain the term "Grade A, Pasteurized," in large black type.

Regulation 13.—Grade B, Raw. No milk or cream shall be sold or offered for sale as "Grade B, Raw," unless it conforms to the following requirements:

The dealer selling and delivering such milk or cream must hold a permit from the Health Officer.

All cows producing such milk or cream must be healthy as disclosed by an annual physical examination.

Such milk must not at any time previous to delivery to the consumer contain more than 200,000 bacteria per cubic centimeter and such cream not more than 750,000 bacteria per cubic centimeter.

Such milk and cream must be produced on farms which are duly scored on the score-cards prescribed by the State Commissioner of Health not less than twenty-three per cent. for equipment, and not less than thirty-seven per cent. for methods.

Such milk and cream must be delivered within thirty-six hours after the time of milk-

ing. The caps or tags on the containers must be white and contain the term "Grade B, Raw," in large, bright green type, and the name of the dealer.

Regulation 14.—Grade B, Pasteurized. No milk or cream shall be sold or offered for sale as "Grade B, Pasteurized," unless it conforms to the following requirements:

The dealer selling or delivering such milk or cream must hold a permit from the health officer.

All cows producing such milk or cream must be healthy as disclosed by an annual physical examination.

Such milk or cream before pasteurization must not contain more than 300,000 bacteria per cubic centimeter.

Such milk must not at any time after pasteurization and previous to delivery to the consumer contain more than 100,000 bacteria per cubic centimeter, and such cream not more than 500,000 bacteria per cubic centimeter.

Such milk and cream must be produced on farms which are duly scored on the scorecards prescribed by the State Commissioner of Health not less than twenty per cent. for equipment and not less than thirty-five per cent. for methods.

Such milk must be delivered within thirty-six hours and such cream within forty-eight hours after pasteurization.

The caps or tags on the containers must be white and contain the term "Grade B, Pasteurized" in large, bright green type, and the name of the dealer.

Regulation 15.—Grade C, Raw. No milk or cream shall be sold or offered for sale as

"Grade C, Raw," unless it conforms to the following requirements:

The dealer selling or delivering such milk or cream must hold a permit from the health officer.

Such milk and cream must be produced on farms which are duly scored on score-cards prescribed by the state Commissioner of Health not less than fifty per cent.

Such milk and cream must be delivered within forty-eight hours of the time of milking.

The caps or tags affixed to the containers must be white and contain the term "Grade C, Raw," in large red type.

Regulation 16.—"Grade C, Pasteurized." No milk or cream shall be sold or offered for sale as "Grade C, Pasteurized" unless it conforms to the following requirements:

The dealer selling or delivering such milk or cream must hold a permit from the health officer.

Such milk and cream must be produced on farms which are duly scored on the score-card prescribed by the State Commissioner of Health not less than fifty per cent.

Such milk and cream must be delivered within forty-eight hours after pasteurization.

The caps and tags affixed to the containers must be white and contain the term "Grade C, pasteurized," in large red type.

Regulation 17.—No person, firm, corporation or association keeping cows for the sale of milk in the City of Niagara Falls, N. Y., shall feed the same upon refuse or any decomposing animal or vegetable food or any food unless the same is nutritious, healthy and incapable of exciting any pernicious influence upon

the milk, nor give them water that is impure, or contaminated.

Regulation 18.—No milk dealer by himself or his agents shall sell or have with intent to sell milk from which the cream has been removed in whole or in part unless sold as skimmed milk or unless in a conspicuous place on both sides of his vehicle from which such milk is sold the words "Skimmed Milk" is distinctly and legibly painted in letters not less than two inches in height. All cans and other receptacles from which skimmed milk is sold shall be plainly marked in this manner.

Regulation 19.—All milk houses, rooms and apartments used in the handling, storing and preparing of milk must be substantially constructed and in repair, of sufficient size, properly drained and be light and well ventilated and be used for no other purpose than the storing, handling and preparing of milk.

The floors of such milk houses, rooms and apartments must be water-tight and be constructed of hardwood, cement, brick or other impervious material to admit flushing and insure cleanliness and must be properly drained. The side walls must be of impervious material to a height of six feet and constructed so as to exclude rats, mice and vermin, and the walls above, unless painted or of finished natural wood, enameled brick or other sanitary material, must be whitewashed at least once a year and oftener if so directed by the Health Officer or his representative. Any milk house or building not constructed or arranged to maintain sanitation to the satisfaction of the Health Officer in the interest of the public health shall be changed to conform thereto when in the judgment of the Health Officer the public interests are concerned thereby, and

no building shall be constructed or altered for a milk-house unless the plans for the same are first approved by the Health Officer or his representative.

Regulation 20.—All milk houses, rooms or apartments, their appurtenances and fixtures must be maintained in a state of cleanliness, but no disinfectants shall be used in or about any room where milk or cream or both are handled, prepared or stored. No dogs, cats, or other animals, or pets shall be allowed in any such room or apartment and from April to November of each year all doors and windows of milk-houses, rooms or apartments where milk is stored must be provided with wire screens to exclude flies and insects.

Regulation 21.—No cellar under any room or apartment where milk is stored, handled or prepared or distributed shall contain any water closet, urinal, or be used for any purpose exercising any detrimental effect upon the milk contained in the rooms above nor of rendering such apartment or room unsanitary or offensive.

Regulation 22.—No room, or apartment where milk is stored, handled or prepared shall communicate with any stable, water closet, sleeping or living room, nor any place or opening capable, in the judgment of the health officer, of having an unsanitary or detrimental influence upon milk.

Regulation 23.—All milk coolers, used for the storage and cooling of milk must hereafter be substantially constructed of cement or other non-corrosive material and the internal surface of the same shall be made smooth and impervious to prevent absorption and permit proper cleaning. They shall be constructed,

arranged and placed so as to give ready access to all parts to permit thorough cleaning and all such boxes shall be cleansed and flushed as often as may be directed by the health officer or his representative. All such milk boxes shall be properly drained over and into a drain, but they shall not be connected directly with any such drain or sewer.

Regulation 24.—All plumbing connected with boxes for storing and cooling of milk and with milk houses, rooms and apartments where milk is stored shall be designed and so constructed in accordance with the rules and regulations respecting plumbers and plumbing in the City of Niagara Falls, N. Y.

Regulation 25.—No person, firm or corporation dealing in milk or cream or both shall move his dairy within the city limits from the place where he is licensed to conduct it to any other place in the city without first notifying the Health Officer in writing of such intended removal and no such person shall remove such dairy to any new location until said new location has first been inspected in all its details and received the approval of the Health Officer.

Regulation 26.—No person, firm or corporation dealing in milk shall change his source of supply either by addition or changing from one milk producer to another without first notifying the Health Officer in writing of such change giving the correct address and location of such new supply and all the facts required in making application for a permit.

Regulation 27.—No person, firm or corporation dealing in milk or cream or both and receiving his supply from without the city limits by railroad or other transportation shall per-

mit any cans of milk or cream or both to remain on any platform or other place unprotected from the sun and rain, but shall suitably and efficiently protect the same by causing such cans to be placed under cover, or efficiently covering them with canvas or other similar protection and no such milk dealer shall thereafter permit any cans containing milk or cream or both to remain at any railroad terminal or other place after arrival for a longer period than one hour from the time of arrival but shall remove the same with expedition.

Regulation 28.—No milk or cream shall be sold or offered for sale as pasteurized unless it has been subjected to temperatures averaging 145 degrees Fahrenheit for not less than 30 minutes; and no milk or cream which has been heated by any method shall be sold or offered for sale unless the heating conforms to the provisions of this regulation. After pasteurization the milk or cream shall be immediately cooled to a temperature of 50 degrees Fahrenheit and placed in clean containers and the containers shall be immediately sealed. No milk or cream shall be pasteurized more than once.

Regulation 29.—No person suffering from tuberculosis, opthalmia, or other contagious disease, or any skin disease shall be employed in any part of a milk house or in the handling or preparation of milk or cream. No person shall be employed in preparing or handling milk or cream at whose home or residence there may be a case of tuberculosis of the lungs without such person first obtaining permit in writing to be so employed from the Health Officer.

Regulation 30.—No person shall expectorate

upon the floor, wall or equipment in or about any milk house.

Regulation 31.—All milk vehicles shall have the number of the permit and the name of the owner plainly painted thereon in letters not less than two inches high.

Regulation 32.—Every dealer who uses his business wagon or other vehicle shall from the month of May to September inclusive have and keep upon said wagon, cart or vehicle a covering of canvas or other material so as to securely protect the same from the sun and weather and every dealer shall at all times maintain the milk on his vehicle or vehicles at a temperature not to exceed 60 degrees Fahrenheit and all milk found to be above this temperature shall be condemned.

Regulation 33.—Every person who deals in milk or cream or both and provides his customers with tickets or checks of any nature whatsoever shall use tickets and checks a single time only. Such tickets or checks upon return by the customer must be expeditiously destroyed.

Regulation 34.—No person, persons, firm, corporation, or association dealer in milk or cream or both, nor his agents shall serve milk or cream in bottles to any dwelling house that has in it any infectious or contagious disease that is placarded by the Bureau of Health for infectious or contagious disease until said placard has been removed by the proper authorities, nor shall any person remove from such dwelling any bottles, receptacles or containers, which have been or are to be used for the purpose of storing or distributing milk.

Reulation 35.—Nor shall any dealer in milk, cream or buttermilk, nor his agents, bottle,

cause to be bottled or prepare for delivery or deliver into an empty bottle any part of his milk, cream or buttermilk while upon the delivery wagon nor at any other place than the milk-house.

Regulation 36.—No person or persons receiving any milk or cream from any dealer in bottles or jars or other receptacles shall retain such bottles, jars or other containers in their possession for a longer period than twenty-four hours, providing such milk dealer, owner of such property calls for the same. Nor shall any person or persons having in their possession temporarily or otherwise bottles, jars, or receptacles used for the delivery of milk or cream use the same while in their possession in any manner or for any other purpose than the storing and keeping of milk or cream originally delivered in the bottle, jar or container, and on emptying the same of milk or cream the person or persons temporarily in possession of such bottle, jar or container shall immediately rinse it, and no dealer in milk or cream shall receive any returned bottles that may be unrinsed or contaminated or deliver milk or cream to any person or place that does not comply with the requirements of this section.

Regulation 37.—No grocer, storekeeper or other person shall utilize or permit to be utilized any milk or cream bottle or jar or other receptacle for the purpose of delivering any article other than milk or cream or for any purpose whatsoever except the storing, keeping and delivery of milk and cream.

Regulation 38.—No milk dealer shall use any bottles, jars or receptacles for the distribution of milk or cream without the same are first efficiently cleansed and sterilized by steam

and placed in boiling water for not less than three minutes, and in the meaning of this section this is to be done in addition to the ordinary washing and cleansing with hot water, soap or other cleaning agents.

Regulation 39.—No milk or cream shall be sold or kept for sale under any conditions which in the opinion of the Health Officer are not clean and sanitary, and no milk shall be served in bottles unless the bottling is done under clean and sanitary conditions. Each bottle shall be capped securely by sanitary caps, and by methods approved by the Health Officer.

Regulation 40.—Every can or other vessel which is used to contain milk or cream or buttermilk intended for sale shall be constantly kept in a clean and sanitary condition. When emptied and before being returned by the person to whom it was last delivered full or partly full every such can or vessel shall be effectively cleaned.

Regulation 41.—The Health Officer or his representative shall condemn any such can or other vessel found by him to be in such condition that it cannot be rendered by washing, clean and sanitary as a receptacle for milk or cream and shall so destroy or mark the condemned vessel as to show that it has been condemned. When so condemned and marked, such can or vessel shall not be used again to contain milk or cream for sale. The Health Officer or his representative may seize and hold as evidence any can or other vessel returned or otherwise used in violation of this regulation.

Regulation 42.—Every person or persons, firm, corporation or association who shall vio-

late any of the provisions of this ordinance shall be guilty of a misdemeanor and subject to a fine not less than ten nor more than fifty dollars.

Regulation 43.—This chapter of ordinances shall take effect immediately.

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